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WALTER F. DEXTER

Superintendent of Public Instruction

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COVER

The pictures on the cover show adult students learning various skills and techniques in war production classes. The types of work shown here are being taught in vocational schools and classes throughout the state. These pictures were furnished by the Bureau of Trade and Industrial Education. The scenes were taken in classes in San Diego, Los Angeles, and Oakland.

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LEGAL ASPECTS OF SCHOOL CREDIT FOR WORK EXPERIENCE

AUBREY A. DOUGLASS, Assistant Superintendent of Public Instruction; and Chief, Division of Secondary Education

Numerous sections of the School Code of California have a bearing upon the question of school credit for work experience. Sections 3.800 to 3.803 and 3.810 to 3.811 place upon local governing boards the responsibility of directing the preparation of courses of study designed to fit the needs of those in attendance upon the schools under their jurisdiction; sections 3.490 to 3.495 require that guidance, placement, and follow-up facilities be provided for pupils attending continuation classes; section 3.470 provides for co-operative education; and sections 4.195 and 4.252 enable county superintendents of schools to prepare and co-ordinate courses of study and to conduct and co-ordinate research and guidance activities in elementary and in high schools. The Shelley-Maloney Apprentice Labor Standards Act 1 sets up an apprenticeship council and states that the council shall, along with other duties, "foster, promote, and develop the welfare of the apprentice and industry, improve working conditions of apprentices, and advance their opportunities for profitable employment." Under these provisions the responsibility of supplying supplemental and related training is delegated to educational authorities.

The following general principles to guide practices in awarding credit for work experience were adopted by the California State Board of Education on May 22-23, 1942, under authority contained in School Code sections 3.470 and 3.800:

- 1. The pupil must be regularly enrolled in school.
- 2. The work experience must be definitely related to the in-school training of the pupil. The type of work experience shall be analyzed in such a manner as to indicate its specific elements of learning.
- 3. Supervision by a teacher, co-ordinator, or supervisor shall be provided, and shall be of such a nature as to relate a part or all of class instruction to work experience.
- 4. Credit toward graduation may be awarded upon the same bases as are prescribed for the school subjects in sections XII and XIII

¹ Labor Code sections 3070-3089.

of the Rules and Regulations of the California State Board of Education,¹ provided that an evaluation or appraisal of the pupil's progress has been made.

An interpretation of these principles follows:

A pupil cannot be enrolled in a school during the time it is dismissed for the summer vacation and he is not enrolled in school during the regular session unless he completes registration, a step which involves the formulation and acceptance by the pupil and his parents, on the one hand, and the school authorities, on the other, of a program of study.

Work experience growing immediately out of a course or curriculum in which a pupil is enrolled is definitely related to the in-school training of the pupil. Secretarial practice in an office for a stated number of hours per week, and project work in agriculture or homemaking are examples. Similarly, a laboratory assistant would likely be selected from among the good students in science, or a library helper might be secured from the English enrollments. Additional examples of this type may easily be enumerated.

The relationship between harvest work and a highly academic program designed to prepare for college entrance is not so clear. There is no apparent relation between picking fruit and foreign language, or between digging beets and geometry. The guiding principles adopted by the Board do not permit the awarding of credit in academic subjects for work experience unrelated to the subjects pursued by the pupil.

Because it contains values for everyone, properly organized work experience contributes to well-rounded education and is therefore definitely related to the total educational program of the pupil. If organized as a part of a total educational program, time spent at work may therefore be administered as part of the school day.

Well-organized courses of instruction set objectives, contain units, projects, or assignments and are otherwise designed to provide the learner with certain knowledge, skill, abilities, and attitudes. Organization is usually more definite in industrial arts and vocational courses than in the academic.

The principle that the type of work experience shall be analyzed to indicate its specific elements of learning recognizes existing practices in the organization of courses. Similarly, the provision that an evaluation or appraisal of the pupil's progress be made is in agreement with general practice. Although techniques of measurement and appraisal are far from perfect, any teacher uses standardized tests,

¹ Rules and Regulations of the California State Board of Education, State of California Department of Education Bulletin No. 1, January, 1937, pp. 12-16.

"home-made" objective tests, essay tests and final examinations, and general judgments or estimates of progress. Final marks are awarded on the basis of these measurements, appraisals, or judgments. These techniques, according to the regulations which have been adopted, must be applied in organizing work experience for the same reasons that they are used in any or all of the learning situations planned by the school. Conversely, unless such procedures are in force, credit for work experience may not be given.

Examples of what is meant are in order. If work experience is provided as a part of a course or curriculum, such as the care of school grounds in connection with biology or agriculture, an analysis of the activities carried on by the pupil should be made. If such habits or attitudes, as promptness in reporting to work and willingness or desire to render an honest hour's work for an hour's pay, should be cultivated, they should be listed. Duties and activities should be further analyzed. In this particular case the list would probably include such items as ability to operate a mower and to take care of it, ability to plant and cultivate plants of various types, and so on. Elements of landscape and architecture might also be included. The individual would, needless to say, acquire the skills listed in the analysis and an appraisal of his accomplishments would be made. If the activities are an outgrowth of a course or curriculum in which he is enrolled, the matter of credit offers no difficulty; if the activities are not a definite part of an existing course, credit should be recorded as it is for any other course which is a part of the total school program. Ample precedent exists for such procedure. A boy or girl completing a college preparatory program may enroll in music or industrial arts and receive appropriate credit; short-unit courses of a vocational character may be completed and appropriate credit given.

Credit towards graduation is, according to the Rules and Regulations of the State Board of Education, recorded in terms of semester periods in senior and four-year high schools. A semester period is one period of forty to sixty minutes for one semester. In the usual course, which meets for five periods a week throughout the year, the pupil thus earns 10 semester periods of credit. The semester period plan, which varies from the common practice of designating a "unit" of credit for such a course, was adopted because of its flexibility. It will quickly be seen that the semester period plan lends itself admirably to the organization of a program of work experience.

General practice in senior and four-year high schools dictates that out-of-class preparation be required in most subjects when the class periods are approximately forty minutes, and that double periods be scheduled for laboratory work. In junior colleges, preparation is necessary for the usual recitation or lecture period; laboratory work is almost always scheduled for two or three periods if it yields an hour of credit.

If credit towards graduation is awarded and if average daily attendance is allowed for work experience, the work experience must be under the supervision of a teacher, co-ordinator, or supervisor of the school in which the pupil is enrolled. This provision is in agreement with all recognized forms of school practice. In co-operative part-time work, with which the plan of credit for work experience is here identified, the necessity and the wisdom of providing supervisors or co-ordinators has been demonstrated beyond doubt. The school is concerned with the growth and development of the individual; hence the school has devised a plan of insuring growth and development by making class instruction and work contribute to the improvement of the pupil's knowledge, skills, and attitudes. The school, therefore, must be at least reasonably certain that the pupil has a chance to gain skill and knowledge; it must be equally certain that he has gained Therefore, the duty of the co-ordinator is to analyze both the courses provided by the school and the work encountered by the pupil to see that they contain the elements of training. It is the co-ordinator's duty to suggest or direct the organization of courses and work experiences to the end that maximum improvement may be attained These techniques are well developed in established by the pupil. co-operative curriculums; they are necessary in extending the concept of work experience. The teacher, co-ordinator, or supervisor in charge of work experience must be able to devote sufficient time to the task to see that organization is properly carried out.

In harvest work the techniques will perhaps entail considerable difficulty unless their development is undertaken by members of the teaching staff who are familiar with the processes involved in the types of work demanded by California's varied crops and with the methods of job analysis. Teachers of academic subjects, if they undertake direction of work experience programs, will do well to acquaint themselves with methods followed in the areas of industrial arts and vocational training, vocational agriculture, business education, and homemaking.

Finally, additional restrictions with respect to credit for work experience should be mentioned. A recent opinion of the Attorney General held that elementary and high schools cannot operate on Saturdays; therefore, average daily attendance cannot be allowed for school work, including work experience, scheduled for Saturdays. The law does authorize junior college classes (School Code section 3.92)

¹ AGO NS442, California Schools, XIII (October, 1942), 230.

and special day and evening classes on Saturdays (School Code section 3.94). As a general practice, elementary schools and high schools may not establish classes outside their districts; therefore, average daily attendance cannot be allowed for work experience gained outside the district, even though it is supervised by teachers in the school in which the boy or girl is enrolled. Exceptions to the general rule may be made when classes are organized for persons in the service of the United States or the state of California, and for pupils evacuated to meet an emergency created by war (School Code section 3.223), or to maintain courses in agriculture (School Code section 3.472). Junior colleges may maintain pilot training classes not only outside the district, but outside the state (School Code section 6.90c); otherwise they may conduct junior college classes outside the local district boundaries if the proposed location is such as to offer educational opportunities not available at home (School Code section 6.90b).

If these restrictions adopted for education during an era of peace prohibit proper and efficient school operation in wartime, they can be corrected by appropriate legislation. Likewise, if the legal restrictions surrounding the organization, granting of credit, and counting average daily attendance for work experience stand in the way of sound educational administration, new legislation should be proposed.

NATIONAL EDUCATION WEEK, NOVEMBER 8 TO 14, 1942

The general theme of National Education Week for 1942 is "Education for Free Men." The daily topics for each day have been set as follows:

Sunday, November 8-Renewing Our Faith

Monday, November 9-Serving Wartime Needs

Tuesday, November 10-Building Strong Bodies

Wednesday, November 11-Developing Loyal Citizens

Thursday, November 12-Cultivating Knowledge and Skills

Friday, November 13-Establishing Sturdy Character

Saturday, November 14-Strengthening Morale for Victory

National recognition of the place of education in America is provided through this week sponsored by the National Education Association, the American Legion, the United States Office of Education, and the National Congress of Parents and Teachers. American Education Week grew out of the first World War. Its broad purpose then and now is that of acquainting the people with the needs, aims, and achievements of the schools. Of all the men examined for the draft in 1917-18 25 per cent proved to be illiterate; 20 per cent were physically unfit. Many of these men were foreign born and had little understanding of American life. During the war, the schools were drained of teachers, especially men. In the fall of 1920, thousands of schools were closed for want of teachers. A campaign of public information was needed to correct this situation. A long-range program for the extension of education was needed to reduce illiteracy and physical unfitness. Members of the American Legion consulted with educators and the first American Education Week was observed in 1921.

This year the situation is much the same as we prepare to fight the second World War. A campaign of public information is still necessary in order to enlist the continued support of the schools among citizens.

Packets for use in the schools at the various grade levels to provide information for parents through school pupils have been prepared by the National Education Association, 1201 Sixteenth Street, N.W. Washington, D.C. These packets may be had from the Association for a nominal cost.

DEPARTMENTAL COMMUNICATIONS

OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION

WALTER F. DEXTER, Superintendent

RESTRICTIONS ON USE OF SCHOOL BUSES AND OTHER MOTOR VEHICLES

The attention of all public school authorities is directed to the following General Orders issued by the Office of Defense Transportation. General Order ODT 10, now effective, relates to restriction on use of school buses. General order ODT 21, effective on November 15, 1942, relates to the necessity for obtaining "a War Necessity Certificate" for all school buses and to restrictions as to parts, tires, and other equipment for school buses.

CHARTER AND SIGHTSEEING SERVICE

Excerpts from General Order ODT 10, as amended by Amendment No. 1 (Code of Federal Regulations, Title 49, Chapter II, Part 501, Subpart G).

§ 501.39 Certain charter service prohibited. No person shall engage in charter service by bus, except:

(a) * * * * *

(b) In the transportation hereinafter specified when such transportation cannot readily be performed by existing facilities and established scheduled services of common carriers of passengers operating over regular routes between fixed termini, to wit: The transportation of

(4) Students, teachers, and other school employees en route between their homes and their schools;

Note: General Order OTD 10 effective June 1, 1942; Amendment No. 1 effective August 1, 1942.

CERTIFICATES OF WAR NECESSITY FOR AND CONTROL OF COMMERCIAL MOTOR VEHICLES

General Order ODT 21 (Code of Federal Regulations, Title 49, Chapter II, Part 501, Subpart M).

§ 501.90 Definitions. As used in this subpart:

(a) The term "commercial motor vehicle" means (1) (i) a straight truck, (ii) a combination truck-tractor and semitrailer, (iii) a full trailer, (iv) any combination thereof, or (v) any other rubber-tired vehicle, excluding a motorcycle, propelled or drawn by mechanical power and built (or rebuilt) primarily for the purpose of transporting property, and (2) any bus, taxicab, jitney, or other rubbertired vehicle, propelled or drawn by mechanical power, used in the transportation of persons upon the highways, or available for public rental, including ambulance and hearses, but not including a private passenger automobile.

- (b) The term "person" means an individual, partnership, corporation, association, joint-stock company, business trust, or other organized group of persons, and includes the United States or any agency, territory or possession thereof, a State or any agency or political subdivision thereof, or any trustee, receiver, assignee, or personal representative.
- (c) The term "property" means anything, except persons, capable of being transported by motor truck.
- (d) The term "fleet" means three or more commercial motor vehicles owned or operated by one person.
- (e) The term "private passenger automobile" means any motor vehicle built primarily for the purpose of transporting persons and having a rated seating capacity of seven (7) or less; and includes station wagons and suburban carry-alls, irrespective of seating capacity, which are not used in the transportation of persons or property for compensation.
- § 501.91 Certificate of War Necessity required. On and after November 15, 1942, no person shall operate any commercial motor vehicle within the continental limits of the United States unless there is in force with respect to such commercial motor vehicle a Certificate of War Necessity issued by the Office of Defense Transportation governing such operation.
- § 501.92 Application for certificate. Application for a Certificate of War Necessity shall be made in writing to the field office of the Office of Defense Transportation for the areas in which the home office or principal place of business of applicant is located, unless the applicant is directed to make application to some other office of the Office of Defense Transportation. Any such application shall be made on forms provided by the Office of Defense Transportation, and shall contain such information as the Office of Defense Transportation shall require.
- § 501.93 Issuance of Certificate of War Necessity. (a) A Certificate of War Necessity will be issued by the Office of Defense Transportation to any qualified applicant therefor, certifying, with respect to the operations covered by the application, limitations of mileage or of motor fuel or requirements as to loads, or any one or more of such limitations or requirements, in order that such operations (1) shall be confined to those which are necessary to the war effort or to the maintenance of essential civilian economy, (2) shall be so conducted as to assure maximum utilization in such service of the commercial motor vehicle or vehicles of the applicant, and (3) shall conserve and providently utilize rubber or rubber substitutes and other critical materials used in the manufacture, maintenance, and operation of such vehicles.
- (b) In all original and subsequent certifications the Office of Defense Transportation will be guided by the provisions of its outstanding orders or public statements of policy relating to the operations under consideration, and all such outstanding orders and statements of policy will remain in full force and effect unless and until they are formally amended, superseded, or revoked.
- (c) Such certificate, when issued in respect of a single commercial motor vehicle, shall at all times be carried on such vehicle. When such certificate is issued in respect of a fleet of commercial motor vehicles, a fleet unit certificate shall at all times be carried on each commercial motor vehicle covered by such fleet certificate.
- § 501.94 Certificate of War Necessity not transferable. No Certificate of War Necessity shall be transferable. In the event of the sale or other transfer of a

commercial motor vehicle, or a substantial change in the character of its use or the condition under which it is used, the purchaser or transferee or owner thereof shall forthwith make application to the Office of Defense Transportation for a new certificate, upon the issuance of which the previously issued Certificate of War Necessity appertaining to such vehicle shall be surrendered for cancellation.

§ 501.95 Contents and conditions of certificate. Any Certificate of War Necessity issued under this subpart shall specify:

- (a) The name and address of the person to whom issued;
- (b) The vehicle or vehicles covered thereby:
- (c) The purposes for which and the conditions under which such vehicle or vehicles may be operated;
- (d) Such other terms or conditions as the Office of Defense Transportation may from time to time specify.

§ 501.96 Motor fuel and commercial motor vehicle parts, tires, or tubes. On and after November 15, 1942, no person shall:

- (a) Transfer any motor fuel to, or transfer, mount, or install any part, tire, tube, in or upon any commercial motor vehicle, unless the operator thereof, at the time of such transfer or installation, shall present to such person for inspection a valid Certificate of War Necessity pertaining to such vehicle, issued by the Office of Defense Transportation;
- (b) Transfer or deliver any motor fuel for the use of, or transfer, mount, install, or deliver any part, tire, or tube for the use of, any commercial motor vehicle, unless the operator of such commercial motor vehicle shall at the time thereof sign a written receipt, in duplicate, for such motor fuel, part, tire, or tube, and endorse on each copy of such receipt the number of the Certificate of War Necessity pertaining to the commercial motor vehicle or vehicles in or upon which such motor fuel, part, tire, or tube is to be used. In the event such transfer, delivery, or installation is for the use of a fleet of commercial motor vehicles, the number of the Certificate of War Necessity pertaining to such fleet shall be endorsed on each such written receipt. The original receipt shall be retained by the person making the transfer, delivery, or installation, and the copy shall be retained by the person operating the commercial motor vehicle. Such receipts shall be available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation;
- (c) The provisions of this section shall not apply to transfers or installations made pursuant to a coupon, certificate, or other instrument, authorized or issued by a rationing agency of the United States, or to the sale, transfer, or delivery of motor fuel, parts, tires, or tubes, to any person for the purpose of resale.

§ 501.97 Inspection of tires. On and after November 15, 1942, no person shall operate any commercial motor vehicle, unless within the sixty (60) days immediately preceding such operation, or, in the event such motor vehicle has been operated more than five thousand (5000) miles during such period, unless within the five thousand (5000) miles last operated by such vehicle, all tires mounted upon the wheels thereof or carried for use on such vehicle have been inspected by an inspection agency designated by the Office of Price Administration, and unless such inspection agency has certified that such person has made all reasonable and necessary adjustments, repairs, retreading, recapping, replacement of parts or tires, and realignment of wheels, found by such inspection agency to be necessary to conserve and providently utilize such tires, unless such operator is unable, under then existing rationing regulations, to make such repairs, retreading, recapping, or replacement of parts or tires.

§ 501.98 Records and reports. Any person operating a commercial motor vehicle in respect of which a Certificate of War Necessity has been issued, shall prepare and permanently maintain in the manner and form prescribed by the Office of Defense Transportation records of all operations conducted by such vehicle. A weekly record of such operations shall be maintained in accordance with the form provided on the reverse side of such Certificate of War Necessity, and shall be carried at all times in such vehicle. Such person shall keep such other records and make such reports as may be required and in the manner and form prescribed by the Office of Defense Transportation. All such records shall be available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

§ 501.99 Enforcement officers authorized to report violations. Any enforcement officer of any State or political subdivision thereof, who, on or after November 15, 1942, finds any commercial motor vehicle being operated which at such time does not have in such vehicle, available for inspection and examination, a valid Certificate of War Necessity issued under this subpart, or which is in any other way being operated in violation of any order of the Office of Defense Transportation, or any term or condition of a Certificate of War Necessity governing its operation, is authorized to make a report thereof to the Office of Defense Transportation, stating the name of the person operating such vehicle, the owner or lessee thereof, and such other information as the Office of Defense Transportation may specify. Such reports may be made on forms prescribed by the Office of Defense Transportation.

§ 501.100 Suspension or revocation of certificate. Any Certificate of War Necessity issued under this subpart shall be effective from the date specified therein and shall remain in effect according to its terms until amended, modified, recalled, suspended, cancelled, or revoked in whole or in part by the Director of Defense Transportation for good cause.

§ 501.101 Control of vehicles. (a) Whenever the Office of Defense Transportation shall deem it to be advisable, any person having possession or control of any commercial motor vehicle shall, notwithstanding any contract, lease, or other commitment, express or implied, with respect to the use or operation of such commercial motor vehicle, cause such vehicle (1) to be operated in such manner, for such purpose, and between such points, as the Office of Defense Transportation shall from time to time direct, and (2) to be leased or rented by any such person or persons, except by a person engaged in transporting property in a commercial motor vehicle for compensation to a person not engaged in such transportation, as the Office of Defense Transportation shall from time to time direct. Unless the interested parties agree upon the amount of compensation payable for the use of any such vehicle, so directed to be leased or rented, the amount of such compensation shall be just and equitable, subject to any applicable maximum price established by any competent governmental authority.

(b) The provisions of this section shall not be so construed or applied as to require any person operating a commercial motor vehicle to perform any transportation service, the performance of which by it is not authorized or sanctioned by law.

 $\S~501.102~Exemptions.$ The provisions of this subpart shall not apply to or include the following:

- (a) A commercial motor vehicle operated by or under the direction of the military or naval forces of the United States or State military forces organized pursuant to Section 61 of the National Defense Act, as amended;
- (b) A commercial motor vehicle operated by a dealer exclusively for the purpose of selling such vehicle;
- (c) A motor vehicle having a capacity of not to exceed seven (7) passengers operated by a person between his or her home and place of work and used in trans-

porting other persons between their homes and their places of work, if such motor vehicle is not used for any other purpose for compensation.

§ 501.103 Communications. Communications concerning this subpart should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C., or to the field office of the Office of Defense Transportation designated for the area in which the home office or principal place of business of the correspondent is located. Such communications should refer to General Order ODT 21.

§ 501.104 Effective date. Except as otherwise provided herein, this subpart shall become effective November 15, 1942, and shall remain in full force and effect until further order of the Office of Defense Transportation.

FRANCIS L. DRAG AT HUMBOLDT STATE COLLEGE

Francis L. Drag, who has served as Assistant Chief of the Division of Elementary Education for the past two years, has taken a position on the faculty of Humboldt State College at Arcata. He will serve as Director of Teacher Education, succeeding Dr. Vernon O. Tolle, who is now head of the Department of Education at Redlands University. Mr. Drag resigned from the State Department of Education to take up his work at Humboldt State College at the beginning of the fall semester.

OFFICIAL STATEMENT ON TIME ALLOTMENTS FOR FEDERALLY AIDED VOCATIONAL CLASSES UNDER WAR CONDITIONS

A number of high schools are operating upon a four-hour per day basis in order to permit students to work in the harvests. In response to a request for a ruling on what time allotments must be given to federally aided classes under these conditions, J. C. Wright, Assistant United States Commissioner for Vocational Education, has sent the following letter to the Superintendent:

I am replying to your letter of August 19, in which you inquire whether it is legally possible for California secondary schools to operate a "minimum school day of four clock hours and thus to release boys and girls to work a half day in the harvest."

One of the most specific requirements of the Smith-Hughes Act is contained in Section 11, and provides that in the case of trade and industrial subjects, to which I understand your problem refers primarily, "schools or classes giving instruction to persons who have not entered upon employment shall require that at least half of the time of such instruction be given to practical work on a useful or productive basis, such instruction to extend over not less than nine months per year and not less than 30 hours per week."

The California State Plan provides in the case of Type A all-day trade classes for 15 clock hours per week in manipulative instruction and 5 clock hours per week in trade and related technical instruction. In the case of Type B classes provision is made for 15 clock hours per week in manipulative and trade technical instruction only.

In view of the emergency with which our country is now faced, we would be willing to approve a situation where for the period of $1\frac{1}{2}$ to 2 months during the harvest season trade and industrial classes would continue to devote 15 hours each week to shop work, as provided in the plan, and in the case of Type A classes an

additional 5 hours per week to trade and related technical instruction. Under this arrangement we would consider the work experience as equivalent to meeting the remaining requirements necessary to meet the 30 hours per week required in the law.

In my opinion you will have no difficulty in arranging your agricultural and home economics programs in rural high schools to meet this situation.

DIVISION OF TEXTBOOKS AND PUBLICATIONS

IVAN R. WATERMAN, Chief

NEW PUBLICATIONS

CRAWFORD, WILL C. Survey of Purposes and Personnel Administration of Adult Education in California. Bulletin of the California State Department of Education, Vol. IX, No. 4, July, 1942. Pp. v+18.

This study is the most comprehensive ever made of personnel problems in the field of adult education. The facts presented here bring into focus the chief problems that school administrators must face in the years ahead when the adult education program will undoubtedly expand even further. The bulletin has been distributed to public school administrators. Only a limited number was printed, but persons interested in the material may have a copy of the bulletin upon request to the Division of Textbooks and Publications.

Handbook for New Voters. Prepared by Committee on New Voter Preparation and Recognition, Lucile Batdorf, Chairman, California Teachers Association. Bulletin of the California State Department of Education, Vol. XI, No. 5, August, 1942. Pp. vii+21.

This bulletin provides a list of general sources of information and answers to questions for the persons who become voters either through citizenship or by reason of the fact that they have reached the age of 21.

The questions relate to the fundamental rights and privileges of citizenship under the Constitution of the United States.

Copies of the *Handbook* will be sent to school administrators and all secondary schools. Additional copies will be sold for 15 cents each or 10 cents each in quantities, plus state sales tax. Orders should be sent to the Division of Textbooks and Publications.

MORGAN, WALTER E. Statistics of California Junior Colleges for the School Year Ending June 30, 1941. Bulletin of the California State Department of Education, Vol. XI, No. 6, September, 1942. Pp. vii+48.

This bulletin presents tabulations of statistical data for public junior colleges for the school year of 1940-41. The tabulations include statistics and certain historical tabulations. These statistics have been issued since 1929; but since 1937 the historical material has been dis-

continued. Requests for this publication should be sent to the Division of Textbooks and Publications.

DEXTER, WALTER F. State Apportionment for the Support of Public Schools of California for the Fiscal Year Ending June 30, 1942. Sacramento: California State Department of Education, 1942.

This publication is the annual report by the Superintendent of Public Instruction on state apportionments for elementary schools, high schools, and junior colleges. It contains a list of elementary school districts of the state and it is the only publication of the State Department of Education which contains a list of all the secondary schools.

Copies have been sent to superintendents of schools and finance officers of school districts, and counties of California. Persons who may wish to secure copies of this publication should send their request to the Division of Textbooks and Publications. The price is 25 cents a copy, plus state sales tax.

DIVISION OF RESEARCH AND STATISTICS

WALTER E. MORGAN, Assistant Superintendent of Public Instruction; and Chief, Division of Research and Statistics

NATIONAL SCHOOL SALVAGE PROGRAM

Public and private schools in California are asked to help in a National School Salvage Campaign set to begin on October 5, 1942, by the Conservation Division of the United States War Production Board. On this day each school will become an official salvage depot. The chief scrap materials are iron and steel, copper, brass, aluminum, zinc, lead, and other metals; rubber, old rags, burlap, and cordage.

Each superintendent of schools should confer with the local salvage committee chairman, and representatives of local private and parochial schools should be invited to take part in conferences to be called for the purpose of planning the program.

In each school district detailed arrangements should be made for the receipt and storage of the scrap materials collected at each individual school, the sorting of the scrap into separate piles for each type of material collected; for the collection and weighing of the scrap by local junk dealers and for the receipt of a report of the weight of each type of scrap sold and the amount of money collected for its sale.

A report should be made by each principal to the local superintendent of schools, and by each district to the county superintendent of schools of the total weight of all scrap of each type sold and the amount collected for it, and of the disposition of the money collected. Each county superintendent of schools should report the totals for all districts. A form will be furnished for this report.

INTERPRETATIONS OF SCHOOL LAW=

ALFRED E. LENTZ, Administrative Adviser

[The following items are merely digests, and although care is taken to state accurately the purport of the decisions and opinions, they have the limitations inherent in all digests. The reader is therefore urged to consult the complete text of a decision or opinion before taking any action based thereon.

It should be noted that following a decision, a hearing or rehearing of the case may result in setting aside the original decision. Consequently, before relying thereon, the status of each decision should be checked.]

APPELLATE COURT DECISIONS

Control of Legislature Over Management and Title of School District Property

Where certain property was conveyed to the board of education of the City and County of San Francisco in 1858, the enactment of Political Code section 1575 in 1872 (now School Code sections 2.140-2.142) vested title to the property in the school district, and under School Code section 2.2120 such title passed to the San Francisco Unified School District upon its creation.

The Legislature has control over the management and title to school property, at least so long as it is not diverted from school purposes.

San Francisco Unified School District v. City and County of San Francisco, 54 A. C. A. 147

Title of School District to Property Under Certain Special Legislation

Where in an action to quiet title to certain real property brought by the San Francisco Unified School District against the City and County of San Francisco, it appears under Chapter 355 of the Statutes of 1858, the Commissioners of the Funded Debt of the City of San Francisco conveyed real property to the board of education of the City and County of San Francisco to be held in trust for the use and benefit of the school department of the City and County, and by Chapter 604 of the Statutes of 1873-4, the Board of Supervisors of the City and County was authorized to lease the property and required to use the proceeds for the purpose of paying the principal and interest of the school bonds authorized by the same statute, the latter statute did not operate to divest the school district of its title to the lot inasmuch as the earlier statute had not been repealed expressly or by implication.

Further in 1908 the board of education of the City and County leased the property to a private party, thus adding the weight of contemporaneous construction to the conclusion of the court.

A McEnerney decree made in 1916 under the McEnerney Act (Deering Act 1026) vesting title to the property in the City and County of San Francisco was not valid inasmuch as under the facts prevailing, the court making the decree lacked jurisdiction.

Nor is the present action barred by Code of Civil Procedure section 318 since the district has the possession of the property required by the section.

San Francisco Unified School District v. City and County of San Francisco, 54 A. C. A. 147

Validity of Agreement Providing for Resignation of Permanent Employee of School District

Where the policy of the governing board of a school district is not to give employment as teachers to a husband and wife and at the instance of a permanent teacher of the district, seeking employment as a teacher for her husband, the district entered into an agreement with the teacher under which upon the employment of the husband as a probationary employee the wife would take annual leaves of absence during his probationary period and would resign upon his becoming a permanent employee of the district, and both parties fulfilled their obligations, it cannot be said that the agreement was against public policy or that the resignation of the wife was given as a result of an unlawful coercion or compulsion, or that there was any evasion of the Tenure Act.

French v. Board of Education of the Unified School District of the City of San Diego, 54 A. C. A. 197

ATTORNEY GENERAL'S OPINIONS

Correction

On page 170 of the July 1942 issue of *California Schools* in the digest of Attorney General's Opinion NS4292, the reference to School Code section 5.535 is erroneous. The reference should be to School Code section 5.534.

Acquisition of Tenure in Both Day and Evening Schools of District

Where a teacher had prior to 1935 served full time in both the day schools and evening schools of a district for a sufficient length of time to become a permanent employee of the district and had been classified as such, the teacher has tenure in both day and evening schools under Cullen v. Board of Education, 126 Cal. App. 510, and Anderson v. Board of Education, 126 Cal. App. 514, since the 1935 amendment to School Code section 5.503 prohibiting a person from becoming a permanent employee of a district in both the day and evening schools of the district specifically stated it did not affect the then classification of any employee (distinguishing Mitchell v. Board of Education, 5 Cal. App. (2d) 64). (AGO NS4415, July 2, 1942.)

Bureau of Vocational Rehabilitation, State Department of Education

Neither the Bureau of Vocational Rehabilitation of the State Department of Education or any other agency of the state is empowered, under School Code sections 4.100 to 4.123, 3.510 to 3.516, or any other provision of law to pass title to textbooks, tools, or equipment, owned by the state, free of charge to trainees of the Bureau.

Claims against the State Vocational Rehabilitation Fund need not, under School Code sections 3.515 and 4.120 be approved by the State Board of Education but may be approved by the Director of Education who is the Secretary and Executive Officer of the Board.

Agreements between the Bureau and the United States Office of Education and between the Bureau and blind operators of vending stands on federal property entered into under the authority of the Randolph-Sheppard Act (49 U. S. Stats. 1559) are not subject to approval by the State Department of Finance under Political Code section 675a.

Since the "Blind Stand Trust Fund" of the Bureau does not include state moneys or moneys under the legal control of any officer or employee in his official capacity, the records and books thereof need not be kept by departmental accounting officers of the State Department of Education. (AGO NS4494, August 14, 1942.)

Disposition of Old and Obsolete State Printed Textbooks

Subdivision 5 of subdivision F of Section V of the Rules and Regulations of the State Board of Education authorizing the governing board of a school district to dispose of old and obsolete state printed textbooks to the United States or any agency thereof is valid provided such disposition would not, in particular cases, be in violation of the terms of contracts with the publishers of such books. (AGO NS4476, July 29, 1942.)

Maintenance of Schools on Holidays

Chapter 1 of the First Extraordinary Session of the 54th Legislature does not authorize the governing board of a school district to maintain schools on Saturday, Sunday, or any other day named in School Code section 3.90 or Political Code section 10 as a day upon which the public schools shall be closed. (AGO NS4426, July 3, 1942.)

Receipt and Use of Federal Funds by Junior Colleges and State Colleges Participating in Federal Civilian Pilot Training Program

A junior college or state college participating in the Civilian Pilot Training Program of the federal government may receive funds from the federal government for payment of the cost of insurance, medical examination, and subsistence of students of the college enrolled in the Civilian Pilot Training Program and may expend such funds for the stated purposes without violating section 31 of Article IV of the California Constitution (citing AGO NS3976 and NS4250). (AGO NS4407, June 25, 1942.)

Refund of State College Tuition Fees

Political Code section 685.5 authorizes, in the manner prescribed therein, the refund of the nonresident tuition fees provided for by School Code section 5.63 and paid in error by a state college student, after the transmission of such fees to the State Treasurer in the following cases:

- 1. Where the student is, in fact, a resident of California.
- 2. Where after the student has paid such fee he is denied admission to the college. (AGO NS4355, June 9, 1942.)

Required Probationary Service Under Tenure Law

The three complete consecutive school years of service required as a condition precedent to classification as a permanent employee of a school district under School Code section 5.500 are the school years defined by School Code section 3.22 as beginning on July 1 and ending on June 30. (AGO NS4322, May 27, 1942.)

Special Accumulative Building Funds of School Districts

In the event a district which has established a Special Accumulative Building Fund under School Code sections 4.291 and 4.192 does not expend any of the moneys in such fund within the prescribed period, the moneys in such fund cannot be transferred to the General Fund of the district but may be retained in the Special Accumulative Building Fund. If it is desired to accumulate additional moneys for the same purpose as the original fund, a separate accumulative building fund should be created in the manner prescribed by the sections. (AGO • NS4504, August 18, 1942.)

Status of County Superintendent of Schools Enlisting in United States Navy

A county superintendent of schools elected under section 3 of Article IX of the Constitution who voluntarily enlists in the United States Navy and who leaves the state for more than 60 days and who does not return within the period of any leave of absence that the county board of supervisors could legally grant him vacates his office (citing Political Code section 853, 996 and 4313), and Political Code section 4026 is not applicable to such officer. (AGO NS4367, June 11, 1942.)

Validity of Cancellation of Contract for Purpose of Increasing Salary of District Superintendent of Schools

The cancellation by the governing board of a school district of a contract of employment with the district superintendent of schools with the consent of such superintendent and the entering into of a new contract of employment solely for the purpose of granting an increased salary would constitute a gift of public funds in violation of sections 31 and 32 of Article IV of the California Constitution and would be contrary to the views expressed by the Court in California Highway Commission v. Riley, 192 Cal. 97 (distinguishing Stewart v. Eaves, 84 Cal. App. 312, and AGO 9877 and 10866). (AGO NS4364, June 11, 1942.)

Employment of Cafeteria Supervisors by School Districts

Under School Code section 6.732 the governing board of a school district may employ a supervisor for each cafeteria of the district for the general supervision of such cafeteria or may employ one supervisor for the general supervision of two or more such cafeterias. A cafeteria supervisor cannot be paid out of school funds to do maintenance work and where a supervisor is employed both for supervision and for maintenance work, that portion of his time devoted to supervision should be paid from school funds and that portion devoted to maintenance work should be paid from cafeteria funds (citing School Code sections 6.731-6.733). (AGO NS4426, July 3, 1942.)

FOR YOUR INFORMATION-

STATE BOARD OF EDUCATION ACTIONS

Meeting, Yosemite National Park, July 23, 24, and 25, 1942

Regulations Governing Evening High Schools. The Board reseinded its regulations governing the percentage of time that must be devoted to administration of evening high schools by principals of evening high schools.

Organizations Approved for School Membership. In accordance with School Code section 2.1520, the Board approved the following organizations for which membership for schools may be paid from school district funds, effective for the school year 1942-43:

American Association of Junior Colleges

American Council on Education

California Scholarship Federation

Southern California Junior College Association

Western Association of Colleges and Secondary Schools

California School Trustees Association

California Association of Public School Business Officials

Commission on College Problems in Relation to National Defense, Ninth Corps Area

Call for Bids for Language Textbooks. The Board directed that a call for bids be issued for language textbooks for use in grades four to eight, to be submitted not later than October 1, 1942.

Revocation of Credentials. The Board revoked the credentials authorizing public school services of the following persons for reasons as indicated: Frederick F. Klaus, in accordance with procedure authorized by School Code section 5.382; James E. Taylor, at the holder's request as authorized by School Code section 5.383; Samuel M. Wixman, on recommendation of the County Board of Education of Los Angeles County as authorized by School Code section 5.382.

Regulations Governing State Colleges. The Board reduced the requirements for the A.B. degree from 124 to 120 semester hours and changed the requirement for "one major and two minors or two majors and one minor" to "one major and one minor"; and eliminated the provision that a major or a minor may be taken in professional education courses.

Special Secondary Credentials. The Board established requirements governing the issuance of special secondary credentials authorizing teaching in nursing education and in science basic to medicine.

Regulations on Adult Education. The Board adopted the following regulations on vocational courses:

- A. Notwithstanding anything in these regulations to the contrary, when the outline for any vocational unit of instruction is approved by the Division or Bureau of the State Department of Education charged with the supervision of the training program involved, such a unit may be offered as a special day or evening class for the number of hours which are deemed necessary by the Division or Bureau in order to complete the unit of instruction.
- B. The employment of lecturers to give part or all of any such unit or units of instruction shall conform to the provisions of Section 5.491 of the School Code.
- C. Attendance of any person lawfully in attendance upon vocational classes may be counted for all purposes except that in classes where persons holding lecture permits are used for instruction purposes, only those persons attending 50 per cent or more of the time given to the teaching of any unit may be counted for attendance.

Meeting, Los Angeles, September 1, 1942

Closing Schools During Harvest Periods. The following resolution authorizing the closing of schools so that pupils may assist in the harvest was adopted at the meeting of the Board in Los Angeles on September 1, 1942.

- 1. The determination of the school calendars of the several schools districts shall be left to the governing boards of the respective districts.
- 2. Whereas, A state of war exists between the United States and certain foreign powers, and

WHEREAS, A shortage of labor necessary for harvesting of crops and for other agricultural and horticultural purposes now exists and will continue to exist in the State of California to the detriment of the welfare of the State of California, and

Whereas, School Code sections 3.30-3.34, inclusive, empower the State Board of Education, with the approval of the Governor, to order closed any or all educational institutions supported wholly or in part by the State, or any grade or class thereof, and also to postpone the opening of any or all of such educational institutions, or any grade or class thereof, during the continuance of a state of war between the United States and any foreign power, whenever in the opinion of a majority of its members such step is necessary for the planting or harvesting of crops or for other agricultural or horticultural purposes and is for the welfare of the State, now

THEREFORE, The State Board of Education hereby finds and determines that the exercise of the powers conferred upon it by School Code sections 3.30-3.34, inclusive, is necessary and desirable for the purposes set forth in said sections, and

THEREFORE, It is hereby ordered, subject to the approval of the Governor, that whenever during the continuance of such state of war, the governing board of a school district, after consultation with the United States Department of Agriculture War Board and the United States Employment Service, finds it necessary for the purposes hereinbefore enumerated that any certain school or schools, or grades or classes thereof, be closed, or the opening thereof postponed, for a certain period of time, and such closing or postponement would result in the district maintaining such school or schools, or grades or classes thereof, for less than 170 days during the then current school year, and such finding is verified by the State Department of Education and approved by a committee of three appointed by the President of the State Board of Education, such school or schools, grades or classes, hereby are ordered closed or the opening thereof postponed for such period of time.

3. It is recommended to governing boards of school districts that during the continuance of existing needs resulting from the state of war existing between the United States and certain foreign powers that in agricultural or horticultural areas all necessary assistance possible shall be rendered such needs by action of the local governing boards of school districts in those areas where such action is necessary for the welfare of the state, but the schools of such districts should be kept open whenever possible.

Appropriate legislation will be requested by the State Board of Education which will, subject to proper conditions, credit as attendance upon the schools of such districts the time spent by pupils thereof on regular school days in the planting or harvesting of crops or in other agricultural or horticultural purposes.

4. That in the event youth from metropolitan areas are needed in the districts far from home, which would involve their being housed in or near the place of work, first, the need for such workers be investigated by the local U. S. Employment Service official;

That the recruitment of youth from the metropolitan areas be a joint responsibility of the U.S. Employment Service in those metropolitan areas and the school authorities in those areas;

That local communities needing youth for agricultural pursuits should be responsible through a community corporation or other organization for establishing suitable work camps, which would include proper housing, proper food arrangements, supervision during non-working hours, general welfare activities, allocation of youth to different farms and jobs in areas, transportation, both long distance and local. Moreover, that these local community organizations in cooperation with the U. S. Employment Service reach certain basic understandings regarding wages, hours, piece rates, working conditions, duration of the job, cause of withdrawal from job before its completion, and other incidental matters. Moreover, that such local community groups accept responsibility for insurance and other matters of a legal nature;

That in order to stimulate and make effective such a program this committee would recommend the appointment of two co-ordinators working under the direction of the State Board of Education to promote this sort of community program.

Emergency Credentials. A resolution authorizing the granting of emergency teaching credentials was adopted by the Board at the meeting in Los Angeles on September 1, 1942.

THAT WHEREAS The War Program has caused vacancies in certain areas of public school service because individuals holding credentials to perform such service have entered the armed forces because of the industrial mobilization by the national government, and because of the rapid expansion of the program to train individuals for the war industries,

THEREFORE BE IT RESOLVED, That when fully qualified persons are not available to fill the positions in question, the Commission of Credentials authorize the granting of emergency credentials to the best qualified person available, subject to the following restrictions:

- Emergency credentials shall be issued only in areas where shortages of properly credentialed persons occur;
- Emergency credentials shall be issued for a period of one year and shall be renewable upon a yearly basis;
- 3. An emergency credential shall be issued or renewed only when a request is made by a local governing board or its authorized representative, and when local governing board or its authorized representative makes affidavit to the facts of the case and to the effect that properly credentialed teachers are not available and

that the person for whom the credential is requested will be employed by the local governing board;

- 4. Before any emergency credential is renewed for the second time, the Commission of Credentials shall notify the local governing board which proposes to employ the individual, or shall notify the authorized representative of said governing board, that the individual holds an emergency credential;
- Emergency credentials shall be issued during the period of the national emergency only.

GOVERNMENT WAR FILM DISTRIBUTION

A comprehensive program for the production and distribution of official motion pictures about the war has been developed and put into operation by the Bureau of Motion Pictures of the Office of War Information. These motion pictures, 16mm. sound, planned to inform the American people about the war effort and what they can do to help, are available to schools, businessmen's and fraternal clubs, women's groups, industrial workers, and other users of non-theatrical films through more than one hundred fifty established film libraries and film rental agencies in all parts of the country. Full information on available titles is provided in the publication "A List of U. S. War Films."

It is free on request.

The cost to users of obtaining these films has been kept at a minimum. The Bureau's policy is that "In addition to transportation costs, distributors are permitted to make a service charge to the users not to exceed 50 cents for the first subject and 25 cents for each additional subject included in a single shipment."

Schools and other groups interested in obtaining official government war films for use in a planned program of war information should seek information directly from their usual sources for 16mm. films. A complete list of all distributors of official government war films may be obtained upon request from the OWI Bureau of Motion Pictures, 1400 Pennsylvania Avenue, Washington, D. C.

TEACHING TOOLS FOR CURRENT SUBJECTS

A list of radio transcripts, pamphlets, recordings, and films is contained in "New Tools for Teaching," issued by the New York Film Library, Public Affairs Committee Inc., and the University of Chicago Round Table. These tools are available on such topics as Race and Minority problems, Consumers' Buying problems, Postwar Planning, Education, Food and Health, Civil Liberties, and many others. The films are all 16mm., sound. Information on material available may be had by addressing the Editor, "New Tools for Teaching," Room 6333, 30 Rockefeller Plaza, New York.

THEODORE ROOSEVELT BIRTHDAY

The birthday anniversary of Theodore Roosevelt, twenty-sixth President of the United States, will be commemorated on October 27, 1942. A program of appropriate exercises to be used in the public schools in observance of the day has been prepared by the Woman's Roosevelt Memorial Association, 28 East Twentieth Street, New York. Copies of this material will be furnished on request.

WAR GEOGRAPHY ATLAS AVAILABLE

A new atlas and geography to take the place of obsolete publications in this field has been made available to the schools by the American Education Press, Inc. The publication is 48 pages and contains 29 maps. It has information about climate, topography, peoples, and economic resources for war purposes of countries and islands of the world.

In order to make this book available to every pupil, it is being sold for 10 cents a copy on orders of 100 or more; 12 cents a copy on orders of 10 to 99. Orders should be addressed to the Educational Service, American Education Press, Inc., 400 South Front Street, Columbus, Ohio.

PROFESSIONAL LITERATURE

CURRENT PUBLICATIONS RECEIVED

- "Contemporary America: Borrowing for Victory." Prepared in co-operation with Women's Division; War Savings Staff, United States. Social Studies Series, Vol. III, Nos. 5 and 6. Washington: American Association of University Women, March-April, 1942 (mimeographed).
- Handbook for Oregon School Directors. Prepared by D. J. Campbell. Salem, Oregon: Issued by Rex Putnam, Superintendent of Public Instruction, 1942.
- Permanent County School Funds in Missouri. Missouri Research in Education Bulletin No. 3, 1942. Jefferson City, Missouri: Issued by Lloyd W. King, State Superintendent of Public Instruction, 1942.
- School Attendance Service in Florida: A Handbook. Florida Program for Improvement of Schools. Bulletin No. 32, March 1942. Florida Work-Conference on School Administrative Problems, Edgar L. Morphet, Director. Tallahassee, Florida: State Department of Education.
- Understanding the Other American Republics. Education and National Defense Series Pamphlet No. 12. Washington: Federal Security Agency, United States Office of Education, 1942.
- A Wartime Course in Physics. Instructional Manual (Preliminary Incomplete Copy) Supplementary to the State-Adopted Physics Text, Bulletin No. 42, Tallahassee, Florida: Florida State Department of Education, March, 1942.
- WILLIAMS, EDWARD IRWIN F. The Actual and Potential Use of Laboratory Schools in State Normal Schools and Teachers Colleges. Contributions to Education No. 846. New York: Bureau of Publications, Teachers College, Columbia University, 1942.

DIRECTORY OF THE CALIFORNIA STATE DEPARTMENT OF EDUCATION

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